

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Donald J. Kuntz
Holly L. Kuntz
Debtor(s)

Bankruptcy Case No.: 17-21860-GLT
Issued Per Nov. 16, 2017 Proceeding
Chapter: 13
Docket No.: 38 - 5, 27
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(I.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 1, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: City and School District of Pittsburgh at Claim No. 3; Pittsburgh Water and Sewer Authority at Claim No. 4; PNC Bank at Claim No. 13 .
- H. Additional Terms: The claim of Wells Fargo Bank at Claim No. 9-2 governs if objection filed at Docket No. 34 is overruled.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

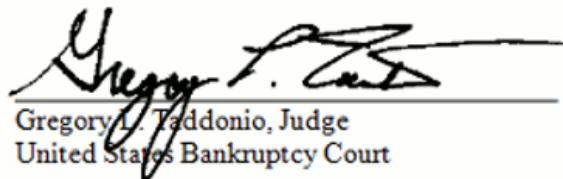
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Dated: November 21, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Donald J. Kuntz
 Holly L. Kuntz
 Debtors

Case No. 17-21860-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 30

Date Rcvd: Nov 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2017.

db/jdb +Donald J. Kuntz, Holly L. Kuntz, 902 Muldowney Ave., Pittsburgh, PA 15207-2062
 cr +City and School District of Pittsburgh, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 14415049 AES, P.O. Box 2251, Harrisburg, PA 17105-2251
 14415050 +American Express, P.O. Box 1270, Newark, NJ 07101-1270
 14662491 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14415051 +Best Buy Credit Services, P.O. Box 9001007, Louisville, KY 40290-1007
 14415052 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14665125 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14415054 +Citibank, P.O. Box 183056, Columbus, OH 43218-3056
 14655248 +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14688189 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14415055 +Green Sky Loans, 1797 Northeast Expressway, Suite 100, Atlanta, GA 30329-2451
 14676642 +Greensky, LLC, P.O. Box 530584, Atlanta, GA 30353-0584
 14415056 +Image First, PO Box 183043, Columbus, OH 43218-3043
 14415058 +Macys, PO Box 8066, Mason, OH 45040-8066
 14639254 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14415060 +PNC, 2730 Liberty Ave., Pittsburgh, PA 15222-4747
 14415061 +PNC Bank, PO Box 94982, Cleveland, OH 44101-4982
 14690466 +PNC Bank, NA, 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14660286 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14655262 +Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14415062 +Sears Card, P.O. Box 6276, Sioux Falls, SD 57117-6276
 14415063 +Wells Fargo, PO Box 17430, Baltimore, MD 21297-1430
 14670594 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14690725 +E-mail/Text: kburkley@bernsteinlaw.com Nov 22 2017 03:34:09 Duquesne Light Company,
 c/o Allison L. Carr,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14415057 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 22 2017 03:32:48 Kohls, P.O. Box 2983,
 Milwaukee, WI 53201-2983
 14690815 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 22 2017 02:13:43
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14415059 +E-mail/Text: bhandra@pc-fcu.org Nov 22 2017 03:34:15
 Parkview Community Federal Credit Union, 2100 Eden Park Boulevard,
 McKeesport, PA 15132-7621
 14674850 E-mail/Text: bnc-quantum@quantum3group.com Nov 22 2017 03:33:00
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
 cr PNC BANK, NATIONAL ASSOCIATION
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14415053* Capital One, PO Box 71083, Charlotte, NC 28272-1083

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 30

Date Rcvd: Nov 21, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Lauren M. Lamb on behalf of Joint Debtor Holly L. Kuntz
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;leslie.nebel@steidl-steinberg.com;dam
brose@steidl-steinberg.com;cgoga@steidl-steinberg.com;lamblr53037@notify.bestcase.com
Lauren M. Lamb on behalf of Debtor Donald J. Kuntz
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;leslie.nebel@steidl-steinberg.com;dam
brose@steidl-steinberg.com;cgoga@steidl-steinberg.com;lamblr53037@notify.bestcase.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernssteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernssteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteeewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 9